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Attorneys for Plaintiff
ERICK J. BLANDINO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ERICK J. BLANDINO, individually and on)
behalf of all others similarly situated,)
)
Plaintiff,)
)
v.)
)
MCM CONSTRUCTION, INC., and DOES 1-)
20,)
)
Defendants.)

Case No. C 12-1729 WHO

STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE AND
BRIEFING SCHEDULE ON MOTION
FOR PRELIMINARY APPROVAL

STIPULATION

Plaintiff Erick Blandino (“Plaintiff”) and Defendant MCM Construction, Inc. (“Defendant”), (collectively “the Parties”), stipulate and agree as follows:

WHEREAS, the Parties engaged in two separate all-day mediation sessions on January 29 and March 5, 2013. Although the Parties were not able to reach resolution at mediation, the parties continued to engage in settlement discussions through Mr. Eric Tate, the court-appointed mediator from Morrison Foerster. The parties have entered into a settlement of Plaintiff’s individual claims, which has been finalized and the parties anticipate dismissing the individual claims shortly. With respect to the class action claims, the parties have come to an agreement on the material terms of a class action settlement and are in the process of finalizing the settlement agreement;

WHEREAS, on July 12, 2013, the Parties filed a Joint Case Management Conference Statement and requested that the Court set the hearing on Plaintiff’s Motion for Preliminary Approval of Class Action Settlement (“Motion for Preliminary Approval”) on September 11, 2013. On July 25, 2013, the Court entered a Clerk’s Notice, setting a Case Management Conference and the Motion for Preliminary Approval, to take place on September 11, 2013, at 2:00 P.M. in Courtroom 2 (docket number 36). Based on the current hearing date, the Motion for Preliminary Approval must be filed on or before August 7, 2013;

WHEREAS, the Parties have finalized all material terms of the class action settlement but continue to work on updating the information necessary in order to file the Motion for Preliminary Approval, including preparing the claim form and class notice that will be sent to all class members. The Parties anticipate they will have entered into the final settlement agreement and gathered and updated all class information for the filing of the Motion for Preliminary Approval within the next several weeks.

IT IS HEREBY STIPULATED by the Parties herein, through their counsel of record, as follows:

1 The deadline for Plaintiff to file the Motion for Preliminary Approval shall be continued
2 from August 7, 2013, to September 4, 2013. The Case Management Conference and the hearing
3 on the Motion for Preliminary Approval shall be continued from September 11, 2013, to October
4 9, 2013, or as soon thereafter as is convenient for the Court.

5 **IT IS SO STIPULATED.**

6
7 DATED: August 5, 2013

/s/ David S. Harris

David S. Harris
NORTH BAY LAW GROUP
Attorneys for Plaintiff Erick Blandino

8
9
10 DATED: August 5, 2013

/s/ Eric Hill

Eric Hill
SEYFARTH SHAW
Attorneys for Defendant
MCM Construction, Inc.

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14
15 **ORDER**

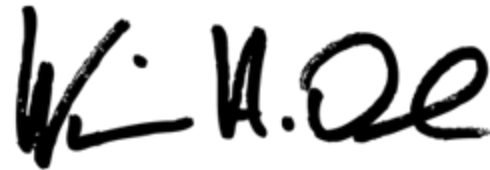
16 Based on the parties' stipulation, the Court ORDERS that:

17 Plaintiff's deadline to file the Motion for Preliminary Approval shall be continued from
18 August 7, 2013, to September 4, 2013.

19 The Case Management Conference and the hearing on the Motion for Preliminary
20 Approval shall be continued from September 11, 2013, to October 9, 2013 at 2:00 p.m.

21 **IT IS SO ORDERED.**

22
23 Dated: August 5, 2013



24 William H. Orrick
United States District Judge